



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

JOHNNY RAY WILKINS,
Petitioner,

vs.

SHANE JACKSON,
Respondent.

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Civil Action No. 0:24-3620-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
DISMISSING PETITION WITH PREJUDICE FOR FAILURE TO PROSECUTE,
AND DEEMING AS MOOT RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

Petitioner Johnny Ray Wilkins (Wilkins), who is representing himself, filed this petition seeking a writ of habeas corpus under 28 U.S.C. § 2254 against Respondent Shane Jackson (Jackson).

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending the Court dismiss Wilkins's petition with prejudice for failure to prosecute. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court

may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 14, 2025. To date, the parties have failed to file any objections.

“[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case under the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Wilkins’s petition is **DISMISSED WITH PREJUDICE** for failure to prosecute.

Because Wilkins’s petition has been dismissed, Jackson’s motion for summary judgment is necessarily **DEEMED AS MOOT**.

To the extent Wilkins seeks a certificate of appealability, that request is **DENIED**.

IT IS SO ORDERED.

Signed this 12th day of February 2025, in Columbia, South Carolina.

s/ Mary Geiger Lewis

MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of their right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.